

REMARKS

Claim 1 has been amended and new claim 37 has been added to further differentiate the invention from the cited art. As noted in Applicant's specification, page 3, lines 14-15, making the device flexible permits one to take advantage of large volume manufacturing processes such as roll-to-roll lamination or sheet lamination techniques permitting economic manufacture. Making the device flexible also permits one to manufacture the device in roll form, and to store, transport and apply the device directly from a roll.

In rejecting the claims as obvious, the Examiner takes the position that "thin film semiconductor, metal, and dielectric films that form the thin film photovoltaic and battery layers and leads 214 of Murasko are 'flexible' to a finite degree when disposed on the flexible substrates taught by Murasko '245 (i.e. they will flex to a certain extent before breakage)." (Office Action at page 7). The Examiner has inappropriately applied the term "flexible." Using the Examiner's definition of "flexible" every solid substance, even the most brittle substance, would be "flexible". Flexible is commonly defined as follows:

1. Capable of being bent, usually without breaking; easily bent

Flexible. Dictionary.com. *Dictionary.com Unabridged (v 1.1)*. Random House, Inc.

<http://dictionary.reference.com/browse/flexible> (accessed: January 09, 2009).

1. a. Capable of being bent or flexed; pliable.
b. Capable of being bent repeatedly without injury or damage.

Flexible. Dictionary.com. *The American Heritage® Dictionary of the English Language,*

Fourth Edition. Houghton Mifflin Company, 2004. (Exhibit A). Under the definition used by the Examiner, (they will flex to a certain extent before breakage) any material in any context is flexible in that anything (e.g. glass, steel, graphite) "flex[es] to a certain extent before

breakage.” In contrast, the materials forming Murasko’s substrate, i.e., glass, plexi-glass or polycarbonate as taught in paragraph [0018] of Murasko, or glass, plexi-glass, polycarbonate, aluminum metal or cardboard as taught in paragraph [0019] of Murasko, would not provide a device capable of being bent without injury or damage and formed into a roll as required by Applicant’s claims, as amended. The amended claims make clear that significant flexibility as commonly defined is an aspect of the present invention.

As noted supra and on page 3 of Applicant’s specification, this flexibility permits Applicant to take advantage of large volume manufacturing processes such as roll-to-roll lamination or sheet lamination techniques, thus providing Applicant with economic advantages. This also permits Applicant to apply the device directly from a roll, which also is economically advantageous. The primary reference Murasko et al. teaches substrates 102 that are substantially rigid materials, i.e. glass, plexi-glass, polycarbonate, aluminum and cardboard. These materials could not be said to be “flexible and formed into a roll” as required by the amended claims.

The secondary reference Curtin does not supply the missing teachings to Murasko et al. to achieve or render obvious claim 1 or any of the claims dependent thereon. Curtin merely teaches a thin film photovoltaic cell. However, Curtin doesn’t even have batteries.

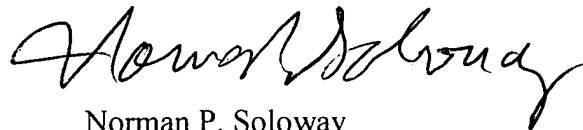
The newly applied Japanese Patent to Yamamura also fails to supply the missing teachings to Murasko et al. alone or in combination with the Curtin, to achieve or render obvious Applicant’s claimed invention. The Examiner cites Yamamura as teaching reduction in a number of parts of a laminated solar battery device by disposing a charged storage device (a capacitor) on the non-light receiving surface of a thin film solar cell assembly. However, Yamamura nowhere teaches or suggests that the device is flexible. Indeed, if Yamamura were

made flexible, the spacing between the elements forming capacitor would vary if the product were to flex, with the potential that the device would discharge or short. Thus, Yamamura cannot supply the missing teachings to the Murasko/Curtin combination since the result would be inoperative. Thus, claim 1 and the several claims which depend thereon cannot be said to be anticipated by or obvious from the art.

Having dealt with all the objections raised by the Examiner, the Application is believed to be in order for allowance. The foregoing amendment notes no claim changes that would require a further search. Thus, entry of the Amendment, and allowance of the application are respectfully requested. Early and favorable action is respectfully requested.

In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account Number 08-1391.

Respectfully submitted,



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flex·i·ble  [flek-suh-buhl] Show IPA Pronunciation

[?]

-adjective

- capable of being bent, usually without breaking; easily bent: *a flexible ruler.*
- susceptible of modification or adaptation; adaptable: *a flexible schedule.*
- willing or disposed to yield; pliable: *a flexible personality.*

-noun

- a flexible substance or material, as rubber or leather.

Origin:

1375-1425; late ME < L *flexibilis* pliant, easily bent. See FLEX¹, -IBLE

Dictionary.com Unabridged (v 1.1)

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Language Translation for: flexible

Spanish: **flexible**, German: **biegsam**, Japanese: 曲がりやすい
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flex-i·ble  (flek'sə-bəl) Pronunciation Key

adj.

- Capable of being bent or flexed; pliable.
 - Capable of being bent repeatedly without injury or damage.
- Susceptible to influence or persuasion; tractable.
- Responsive to change; adaptable: *a flexible schedule.*

[From Latin *flexibilis*, from *flexus*, past participle of *flectere*, to bend.]

flex'i-bil'i-ty, **flex'i-ble-ness** *n.*, **flex'i-bly** *adv.*

Synonyms: These adjectives refer literally to what is capable of withstanding stress without injury and figuratively to what can undergo change or modification: *a flexible wire; flexible plans; an elastic rubber band; an elastic interpretation of the law; thin, resilient copper; a resilient temperament; supple suede; a supple mind.*

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flexible

c.1412, from L. *flexibilis* "that may be bent, pliant," from *flexus*, pp. of *flectere* "to bend," of uncertain origin. *Flex* is a back-formation, first recorded 1521.

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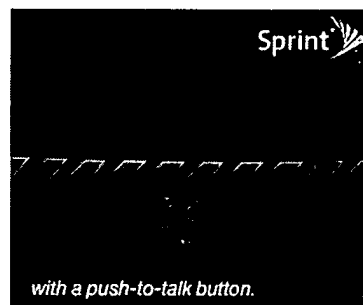
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EXHIBIT A